



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeanette M. Cardamone et al.

Serial No.: 10/730,208

Examiner: To Be Assigned

Filed: 8 December 2003

Group Art Unit: 1771

For: Methods of Improving Shrink-Resistance of Natural Fibers, Synthetic Fibers, or Mixtures Thereof, or Fabric or Yarn Composed of Natural Fibers, Synthetic Fibers, or Mixtures Thereof

Petition Under 37 C.F.R. Sections 1.47(a) And 1.181

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. Sections 1.47(a) and 1.181, Applicants hereby petition to the Commissioner for Patents and Trademarks to permit acceptance of the above application on behalf of one inventor who has signed the Declaration and Power of Attorney and on behalf of a non-signing inventor who cannot be reached to sign the Declaration and Power of Attorney.

Statement of Facts

The above application was filed on 8 December 2003 and the inventors are Jeanette M. Cardamone and Jiming Yao. Jeanette M. Cardamone signed the Declaration and Power of Attorney which is being filed concurrently with this Petition. Diligent efforts were made to present the application papers to the non-signing inventor (i.e., Jiming Yao) as shown by the attached Declaration signed by Coleen Avancena.

The last known address for Jiming Yao was 371 Jones Avenue, Toronto, Canada M4J 3G5.

Request for Relief

Applicants request that the above application be accepted on behalf of one inventor (i.e., Jeanette M. Cardamone) who has signed the Declaration and Power of Attorney and on behalf of the non-signing inventor (i.e., Jiming Yao) who cannot be reached to sign the Declaration and Power of Attorney.

In the event that there are any questions relating to the Petition, or to the application in general, it is respectfully requested that the undersigned be contacted so that prosecution of this application can be expedited.

Please charge the required \$150 fee under 37 C.F.R. Section 1.17(h) pertaining to this Petition to the Deposit Account of the undersigned, No. 50-2134.

Respectfully submitted,

By: G. Byron Stover
G. Byron Stover
PTO Reg. No. 34,737
USDA-ARS-OTT
5601 Sunnyside Ave.
Room 4-1182
Beltsville, MD 20705-5131
Telephone: (301)504-4783

Date: 10 June 2004



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DECLARATION

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Colleen Avancena declares:

1. I am a Patent Assistant at U.S. Department of Agriculture, Agricultural Research Service, Office of Technology Transfer, 5601 Sunnyside Ave., Room 4-1159, Beltsville, MD 20705-5131
2. Regarding the above-identified application, I made the following attempts to contact inventor Jiming Yao:
 - 03/30/04 - Called J. Yao at his home phone in Toronto, Canada, and left message on answering machine. No return call by Yao.
 - 04/06/04 - Called J. Yao at his home phone in Toronto, Canada, and left message on answering machine. No return call by Yao.
 - 04/06/04 - Phoned inventor Jan Cardamone to ask if she had current contact information on J. Yao. She had only the information that was in our file.
 - 04/07/04 - Sent e-mail (**copy attached**) to J. Yao at e-mail address in file. No response from J. Yao.

04/27/04 - Sent e-mail (**copy attached**) to J. Yao at e-mail address in file. No response from J. Yao.

05/05/04 - Called J. Yao at his home phone in Toronto, Canada, several times. A resident answered and stated J. Yao was in China. She did not have an address but did provide a Chinese phone number that J. Yao could be reached in China.

05/05/04 - Sent e-mail (**copy attached**) to J. Yao at e-mail address in file. No response from J. Yao.

05/06/04 - Called J. Yao at Chinese phone number. Could not be connected. Called J. Yao's home phone in Toronto to confirm that Chinese phone number was correct. No answer, left message.

05/07/04 - Resident at Yao's Toronto phone number called back and left a message that the Chinese phone number given was correct.

05/13/04 - Several different combinations of China country and city codes were tried but could not be connected to a working number.

05/13/04 - Sent letter via Express Mail (**copy attached**) to J. Yao at Toronto address requesting signature on documents; the U.S. Postal Service attempted numerous times to deliver the letter but was unsuccessful.

05/13/03 - Called J. Crawford (Technology Transfer Coordinator for USDA location where Yao previously worked) and asked if he had any current contact information for J. Yao. He did not have any useful information.

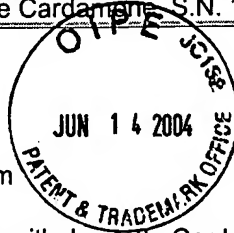
3. That all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the 10/730,208 application or any patent issuing thereon.

Further declarant sayeth not.

June 10, 2004
Date

Colleen Avancena
Colleen Avancena

From: Colleen Dove
To: yaojiming@hotmail.com
Date: 4/7/04 12:22PM
Subject: Joint patent application with Jeanette Cardamone, S.N. 10/730,208



Dear Dr. Yao,

I am with USDA, ARS in Beltsville, MD. I will need to send you a Declaration and Power of Attorney document and an Assignment document for your signature regarding the above patent application. Each named inventor on this application is required to sign and date the Declaration. I understand from Dr. Cardamone that you Assign your rights to ARS, therefore, you will be signing the Assignment document also.

I would like you to reply back as to what is the best way to send these documents to you. Possibly by fax or Fed Ex. These documents are time sensitive so I would appreciate your response as soon as possible. If you have any questions, please e-mail me or call @301-504-5074. The patent advisor on this application is Byron Stover. He can be reached @ 301-504-4783 if you have any technical questions regarding this process.

Thank you.
Colleen Avancena

Mail Envelope Properties (40742AB8.EA1 : 16 : 6309)

Subject: Joint patent application with Jeanette Cardamone, S.N. 10/730,208
Creation Date: 4/7/04 12:22PM
From: Colleen Dove

Created By: Colleen.Dove@NPS.ARS.USDA.GOV

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mailing address:
G. Byron Stover, Esq.
Patent Advisor
USDA-ARS-OTT
5601 Sunnyside Ave.
Room 4-1194
Beltsville, MD 20705



Date: May 13, 2004

RE: S.N. 10/730,208, "Methods of Improving Shrink-Resistance of Natural Fibers, Synthetic Fibers, or Mixtures Thereof, or Fabric or Yarn Composed of Natural Fibers, Synthetic Fibers, or Mixtures Thereof", J. Cardamone et al.

To: Dr. Jiming Yao
371 Jones Avenue
Toronto Canada M4J 3G5

From: G. Byron Stover, Patent Advisor, Office of Technology Transfer
phone (301)504-4783; fax (301)504-5060; email: byron.stover@nps.ars.usda.gov

I am with USDA, ARS, Office of Technology Transfer in Beltsville, MD. In regard to the above-referenced patent application, I am enclosing (1) a Declaration and Power of Attorney document and (2) an Assignment document for your signature. Each named inventor on this application is required to sign and date the Declaration and Power of Attorney. I understand from the Memorandum of Understanding between the Foreign Visiting Scientist and the Agricultural Research Service document that you signed that you will be assigning your patent rights to the Agricultural Research Service; therefore, you will also be signing the Assignment.

These documents are time sensitive. Please sign and date each document and send them back to me by facsimile (301-504-5060) by May 17, 2004. If you have any questions regarding these documents, please call me at 301-504-4783. Your prompt attention will be very much appreciated.

Thank you.

G. Byron Stover



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Chapman

Byron Stover
USDA, ARS, OTT
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Belleville MD 20705

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PHONE (416) _____ 462-9759

Jiming Yao
371 Jants Ave
Toronto Ontario Canada

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- ATTEMPTED DELIVERY ABROAD, CANADA, June 03, 2004, 8:00 am
- ATTEMPTED DELIVERY ABROAD, CANADA, June 02, 2004, 7:58 am
- ATTEMPTED DELIVERY ABROAD, CANADA, June 01, 2004, 8:05 am
- ATTEMPTED DELIVERY ABROAD, CANADA, May 31, 2004, 7:50 am
- ATTEMPTED DELIVERY ABROAD, CANADA, May 28, 2004, 7:59 am
- ATTEMPTED DELIVERY ABROAD, CANADA, May 27, 2004, 7:57 am
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